



PLANNING COMMISSION AGENDA

Wednesday, January 26, 2005

6:00 p.m. Regular Meeting
Council Chambers, Room 205, City Hall

801 North First Street
San Jose, California

Bob Levy, Chair
Bob Dhillon, Vice-Chair

Xavier Campos Jay James
Dang T. Pham
Christopher Platten James Zito

Stephen M. Haase, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **January 26, 2005**. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

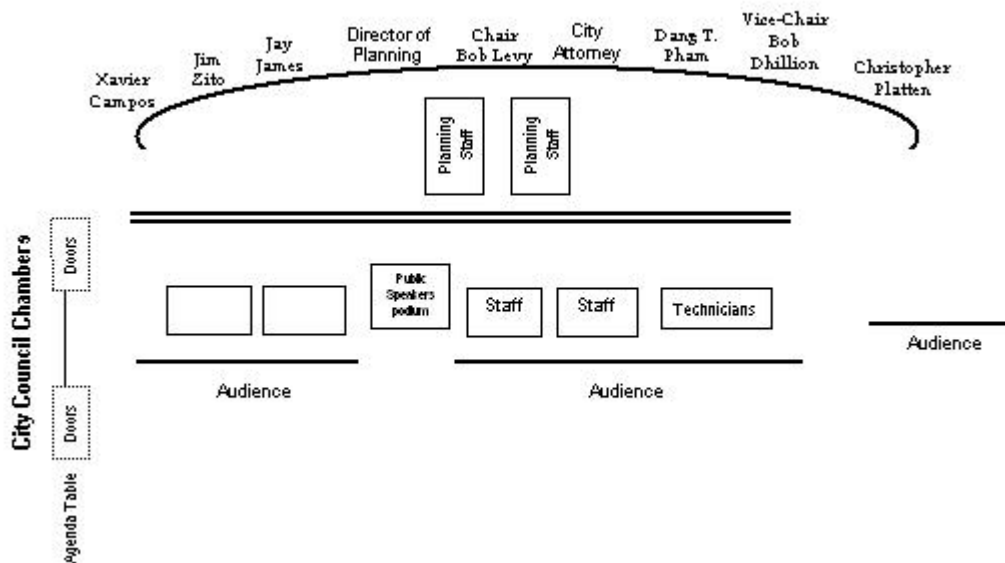
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP03-035.** Conditional Use Permit to allow the expansion of operations at the GreenWaste Recovery Facility from 935 tons per day to 2000 tons per day for the processing of recyclables and compostable waste on site and add a solid waste direct transfer facility on a 6.05 gross acre site in the HI Heavy Industrial Zoning District, located at/on north side of Charles Street approximately 750 feet westerly of Oakland Road (625 CHARLES ST) (Green Waste Recovery Inc, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

DROP, TO BE RENOTICED

- b. **CP04-036.** Conditional Use Permit to allow the installation of a 56 foot tall wireless communication antenna (flagpole/monopole) and an associated 150 square foot equipment shelter on a 3.91 gross acre site (Tower Academy) in the R-1-8 Residence Zoning District, located at west side of McLaughlin Avenue approximately 100 feet southerly of Bendmill Way (2887 McLaughlin Avenue) (Corpuz Deanna L. Trustee, Owner). Council District 7. SNI: None. CEQA: Exempt. Deferred from 11/29/04, 12/8/04 and 1/12/05.

Staff Recommendation:

DROP

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CP04-084](#). Conditional Use Permit request to install three (3) wireless communication antennas, one (1) 60-foot tall monopole, and a 230-square foot equipment shelter on a 12.5-gross acre site in the A Agricultural Zoning District, located on the northeast corner of Lundy Avenue and Hostetter Road (1751 HOSTETTER RD) (United States Postal Service, Owner). Council District 4. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to request to install three (3) wireless communication antennas, one (1) 60-foot tall monopole, and a 230-square foot equipment shelter as recommended by Staff.

- b. [CP04-062](#). Conditional Use Permit request to allow a wireless communication facility enclosed in a new 30 foot high bell tower, and associated 240 square foot equipment shelter, and a backup electrical power generator on a 5.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the south side of Sierra Road, 1,600 feet easterly of Piedmont Road (3430 SIERRA RD) (Christ Life Lutheran Church, Owner). Council District 4. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow a wireless communication facility enclosed in a new 30 foot high bell tower, an associated 240 square foot equipment shelter, and a backup electrical power generator as recommended by Staff.

- c. [C04-038](#). Conventional Prezoning from County to R-1-8 Residential Zoning District on approximately 4.6 gross acres (Lands of Foothill Presbyterian Church) and from County to CP Pedestrian Commercial Zoning District on approximately 0.6 acres located on the north side of McKee Road approximately 380 feet easterly of Toyon Avenue (5301 MCKEE RD) (Presbytery Of San Jose & Mr. and Mrs. Reek, Owner). Council District 5. SNI: None. CEQA: San Jose 2020 General Plan EIR Resolution No. 65459.

Staff Recommendation:

Consider the Environmental Impact Report and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Conventional Prezoning from County to R-1-8 Residential Zoning District and from County to CP Pedestrian Commercial Zoning District as recommended by Staff.

- d. [PDC04-105](#). Planned Development Rezoning from R-1-8 District to A (PD) Planned Development District to allow one existing and one new single-family attached residence on a 0.46 gross acre site, located at/on the southwest corner of Pine Avenue and Cottle Avenue (1260 PINE AV) (Fortune Fred And Cathleen, Owner). Council District 6. SNI: None. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council approval of a proposed Planned Development Rezoning from R-1-8 Residence District to A (PD) Planned Development District to allow one existing and one new single-family attached residence as recommended by Staff.

- e. **CP04-105**. Conditional Use Permit to allow a take-out eating establishment in a 650 square foot portion of an existing industrial building on a 0.11 gross acre site in the HI Heavy Industrial Zoning District, located at the northeast corner of West Julian Street and Montgomery Street (549 West Julian Street) (Angelo and April Segretto, Owner). Council District 3. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow a take-out eating establishment in a 650 square foot portion of an existing industrial building as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. **PDC04-057**. Planned Development Rezoning from A Agricultural Zoning District to A(PD) Planned Development Zoning District to allow 2 single-family detached residences on a 89.3 gross acre site, located on the west side of McKean Road, approximately 4,000 feet northerly of Uvas Road (23735 McKean Road) (Young Patrick Trustee & Et Al, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

DEFER TO 2-23-05

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 - 1. Responding to statements made or questions posed by members of the public; or
 - 2. Requesting staff to report back on a matter at a subsequent meeting; or
 - 3. Directing staff to place the item on a future agenda.

6. **REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

7. **GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Dhillon and James).
 - Coyote Valley Specific Plan (Platten)
- c. [Review of synopsis](#)

8. **ADJOURNMENT**

2005 PLANNING COMMISSION MEETING SCHEDULE

January 12	5:00 p.m. - 6:00 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Meeting Logistics</i>	
January 12	6:00 p.m.	Regular Meeting	Council Chambers
January 26	6:00 p.m.	Regular Meeting	Council Chambers
Monday, February 7	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Jobs/Housing Imbalance</i>	
Monday, February 7	6:00 p.m.	Regular Meeting	Council Chambers
February 23	6:00 p.m.	Regular Meeting	Council Chambers
March 9	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of General Plan Amendments/development projects</i>	
March 9	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
March 23	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
April 13	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Alcohol sales</i>	
April 13	6:00 p.m.	Regular Meeting	Council Chambers
April 27	6:00 p.m.	Regular Meeting	Council Chambers
May 11	4:45 p.m.	<i>Study Session</i>	Room 400
		<i>Discussion of Parks planning strategy (Joint session with Parks Commission)</i>	
May 11	6:00 p.m.	Regular Meeting	To be determined
May 25	6:00 p.m.	Regular Meeting	Council Chambers
June 8	6:00 p.m.	Regular Meeting	Council Chambers
June 22	6:00 p.m.	Regular Meeting	Council Chambers
July 13	6:00 p.m.	Regular Meeting	Council Chambers
July 27	6:00 p.m.	Regular Meeting	Council Chambers
August 10	6:00 p.m.	Regular Meeting	Council Chambers
August 24	6:00 p.m.	Regular Meeting	Council Chambers
September 14	6:00 p.m.	Regular Meeting	Council Chambers
September 28	6:00 p.m.	Regular Meeting	Council Chambers
October 12	6:00 p.m.	Regular Meeting	Council Chambers
October 26	6:00 p.m.	Regular Meeting	Council Chambers
November 9	6:00 p.m.	Regular Meeting	Council Chambers
November 16	6:00 p.m.	Regular Meeting	Council Chambers
December 7	6:00 p.m.	Regular Meeting	Council Chambers